IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

LA.App..No. 411 of 2006()

(LAR 232/99 OF THE SUB COURT, HOSDURG).

APPELLANT: RESPONDENT:

STATE OF KERALA,
REP. BY THE R.D.O., KASARAGOD.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: RESPONDENTS/CLAIMANTS:
---

1. LAINAKKALILLATH ABDUL RAHIMAN,
S/O. ALI MOIDEEN, MUNAYAM KODA, CHITTARI VILLAGE.

2. SARADA,
LEGAL HEIRS OF LATE PURUSHAYYA,
W/O. D.SRINIVASA RAO, MALLIGEMADU.

3. B.P. ROSHAN, S/O. B.PADMANABHA,
MALIGEMADU, CHITTARI VILLAGE.

4. MANAGING DIRECTOR,
B.R.D.C., THIRUVANANTHAPURAM.

5. GOWRI BAI, W/O.PURUSHOTHAMAN
(RETIRED TEACHER), RESIDING AT MAPPURE,
RAMDAS NAGAR, MADHUR VILLAGE.

6. AHALYA, C/O. B.HARISCHANDRA,
RESIDING AT BALEGADDE HOUSE, KEKAN VILLAGE OF
HOSDURG TALUK.

7. SUNANDA, C/O. B.HARISCHANDRA,
RESIDING AT BALEGGADE HOUSE, KEEKAN VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.K.RAJEEVAN
SRI.KODOTH SREEDHARAN
SRI.AJEESH S.BRITE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.411 of 2006

Dated this the 5th day of December, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.232/1999 on the file of the Sub Court, Hosdurg. The acquisition is for the purpose of Bakel Tourism Project. The Land Acquisition Officer fixed the land value at Rs.1,540/- per cent on the basis that it is a water logged paddy land wherein one crop cultivation alone is possible. On the basis of Ext.X1 Commission Report it has been noted that the acquired property is a three crop paddy field and it is situated near Chittari river where the property is highly fertile. It has also come out in evidence that the acquired propertyis situated ½ km. away from the public road whereas the property covered by the basic document executed in 1996 is situated far away. In the instant case the Section 4(1) notification is in 1998. Taking into consideration the fact that it is a three crop wet land the reference court has granted a reasonable enhancement by fixing the land value at Rs.3,000/- per cent.

Having regard to the finding of fact as to the nature and lie of the land we are of the view that the land value fixed by the reference court is just, fair, proper and reasonable. Thus there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.411 of 2006

JUDGMENT

5th December, 2007